

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 06-50(2) (DSD/JJG)

United States of America,

Plaintiff,

v.

ORDER

Antonio Lashawn Warfield,

Defendant.

This matter is before the court upon defendant's objections to the report and recommendation of United States Magistrate Judge Jeanne J. Graham, dated April 14, 2006. In her report, the magistrate judge recommends that defendant's motion to suppress evidence be denied.

The court reviews the reports and recommendations of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C). Defendant raises two objections to the report and recommendation. First, he objects to the magistrate judge's conclusion that his performance of an illegal U-turn established probable cause for an investigatory stop of his vehicle. Defendant asserts that he did not in fact perform an illegal U-turn because he had first turned into a driveway and then backed out to change course. However, Officer Andrew Plant testified that defendant's vehicle never entered the driveway. Rather, Officer Plant saw the tires of defendant's vehicle touch the curb next to the driveway before

backing up and changing direction. Based on such evidence, the court finds that the magistrate judge correctly found that Officer Plant had a reasonable and articulable suspicion that defendant had committed a traffic violation.

Defendant also objects to the magistrate judge's alternative finding that the general bulletin received by Officer Plant concerning defendant's revoked driver's license established probable cause for the stop. Defendant points to the fact that Officer Plant only mentioned defendant's U-turn in his incident report and argues that the court must "limit its evaluation of the investigatory stop to the grounds stated in [the officer's] contemporaneous, first-hand report." (Def.'s Objs. at 2-3.) The court disagrees. The Eighth Circuit Court of Appeals has recognized alternative grounds for reasonable suspicion even when the arresting officer cited minor traffic violations as the initial grounds for stopping a vehicle. See United States v. Williams, 429 F.3d 767, 770-72 (8th Cir. 2005). For all of the above reasons, defendant's objections to the R&R are without merit.

Therefore, after a de novo review of the file and record, the court adopts the report and recommendation of the magistrate judge [Docket No. 49] in its entirety. Accordingly, **IT IS HEREBY ORDERED**

that defendant's motion to suppress statements and evidence [Docket No. 22] is denied.

Dated: May 24, 2006

s/David S. Doty
David S. Doty, Judge
United States District Court